

SEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-cr-60190-Hurley/Hopkins

18 U.S.C. § 371

18 U.S.C. § 1343

18 U.S.C. § 1028A(a)(1)

18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

RAMON BATISTA, a/k/a "Porfirio,"
EDGAR ESTARLIN PERALTA LOPEZ,
FARINTONG CALDERON,
EDWIN FANA,
BRAULIO DE LA CRUZ VASQUEZ, and
JOSE SANTANA, a/k/a "Octavio Perez,"

FILED BY _____	D.C.
JUL 14 2016	
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. FT. LAUD.	

Defendants.

/

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

Telecommunication Identifying Information

1. Wireless or cellular telecommunications carriers offered cellular telephone service to the public. These companies maintained networks of cellular towers and telephone wires used to route telephone calls to and from their customers.
 - a. Customers would sign up for cellular telephone service by contacting one of the carriers and establishing an account. To establish an account, customers would provide personally identifiable information, such as their name, address, and social security number, to enable the carrier to check the customer's credit. If approved,

these customers would be billed for calls made through their account on a monthly basis. Alternatively, customers could establish pre-paid accounts by providing the carrier with a credit card number. Customers could also establish multiple sub-accounts, each with its own telephone number, under a single account or later add additional sub-accounts to an existing account.

- b. Certain carriers' networks used "Code Division Multiple Access" or "CDMA" mobile technology.
- c. CDMA carriers used three pieces of telecommunication identifying information, among others, to identify their customers' telephones and the accounts associated with those telephones.
 - i. Each physical CDMA telephone had a unique electronic serial number (ESN) or mobile equipment identifier (MEID) (hereinafter, collectively, "ESN").
 - ii. The carrier assigned the customer a telephone number, known as a Mobile Telephone Number (MTN), Mobile Device Number (MDN), or Personal Telephone Number (PTN) (hereinafter, collectively, "MTN"). The MTN was the number a person would dial in order to call that customer.
 - iii. The carrier also assigned a Mobile Identification Number (MIN) or Mobile Station Identification (MSID) (hereinafter, collectively, "MIN"), which was an additional identification number used by the carrier necessary to register the device on the carrier's network.
- d. The carrier associated the ESN of the customer's telephone with the MTN and MIN assigned by the carrier. Once the customer's telephone was programmed with this

combination of ESN/MTN/MIN, the customer could use the telephone to make calls on the carrier's network and the carrier could associate calls made by the telephone with the customer's particular account.

- e. Although each CDMA telephone was assigned a unique ESN, it was possible for an individual to use software to re-program a telephone to change its ESN. Once that individual had assigned a new ESN to the telephone, it was also possible to re-program the telephone with an ESN/MTN/MIN combination that belonged to a specific customer account of that individual or another individual. The carrier would recognize calls from this telephone as coming from the customer whose ESN/MTN/MIN combination was programmed into the telephone.
- f. Multiple phones could be programmed with the same ESN/MTN/MIN combination, a process known as "cloning." Calls placed from the "cloned" telephones would also appear to the carrier to be calls coming from one its customers' accounts, just like calls placed from the original telephone.

Call "Termination"

2. Individuals could place telephone calls through a number of different kinds of telephone carriers using different types of technologies, including cellular telephones, landlines, Voice over Internet Protocol (VoIP), and telephone calling cards.
3. Regardless of what type of service an individual used, when an individual with a telephone account placed a telephone call, that individual's carrier bore the cost of completing, or "terminating," that call to its destination. The process of completing a call to its destination often required connecting the call to the network of one or more other carriers, who would then bill the preceding carrier for completing, or "terminating," the call. Completing international

calls required arrangements with a telecommunications company in the destination country. Therefore, in order to complete international calls, a carrier would either need a direct agreement with a telecommunications company in the destination country to pay for use of that company's network or would contract with another U.S. or foreign carrier who had such an agreement with a telecommunications company in the destination country. Each carrier would pay the next carrier in the chain for carrying the call over that carrier's network.

Re-Sellers

4. In some instances, intermediary companies would act as middlemen or re-sellers. These re-sellers would buy capacity from a carrier to route calls and complete them to a particular destination, agreeing to buy a certain number of minutes' worth of telephone calls at a certain price. The re-seller would then re-sell access to that capacity to other carriers who were looking to route their customers' telephone calls and complete them to that particular destination.

COUNT 1
(Conspiracy – 18 U.S.C. § 371)

5. The allegations contained in Paragraphs 1 through 4 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.
6. From at least in or around August 2009, the exact date being unknown to the Grand Jury, through at least in or around February 2013, in Miami-Dade, Broward, and Palm Beach Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RAMON BATISTA, a/k/a "Porfirio,"
EDGAR ESTARLIN PERALTA LOPEZ,
FARINTONG CALDERON,
EDWIN FANA,
BRAULIO DE LA CRUZ VASQUEZ,
and
JOSE SANTANA, a/k/a "Octavio Perez,"**

did knowingly and willfully combine, conspire, confederate and agree with each other, and with others known and unknown to the Grand Jury, to commit offenses against the United States, that is,

- a. to knowingly and with intent to defraud, devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud and to obtain money and property, to cause to be transmitted certain writings, signs, signals, pictures and sounds, by means of wire communication in interstate and foreign commerce, in violation of Title 18, United States Code, Section 1343;
- b. to knowingly and with intent to defraud, traffic in and use one or more unauthorized access devices, that is, electronic serial numbers, mobile identification numbers, and other telecommunications service, equipment, and instrument identifiers, during any one-year period, and by such conduct obtain anything of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2);
- c. to knowingly and with intent to defraud, use, produce, traffic in, and have control and custody of, and possess a telecommunications instrument that has been modified and altered to obtain unauthorized use of telecommunications services, in violation of Title 18, United States Code, Section 1029(a)(7); and
- d. to knowingly and with intent to defraud use, produce, traffic in, have custody and control of, and possess hardware and software, knowing it has been configured to insert and modify telecommunication identifying information

associated with and contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications services without authorization, in violation of Title 18, United States Code, Section 1029(a)(9).

OBJECT OF THE CONSPIRACY

7. It was the object of the conspiracy for the defendants and others to enrich themselves by charging to route telephone communications and then routing those telephone communications through cellular telephone accounts that they were not authorized to use without paying the cellular telephone carriers for the services they provided.

MANNER AND MEANS

The manner and means by which the defendants sought to accomplish the object of the conspiracy, included the following:

8. Conspirators, through various means, obtained the telecommunication identifying information – ESNs, MINs, MTNs, and combinations thereof – associated with cellular telephone accounts and used these numbers to fraudulently access those accounts.
 - a. In some instances, conspirators used stolen personally identifiable information to impersonate an individual and establish new cellular telephone accounts in that person's name.
 - b. In other instances, conspirators used personally identifiable information to impersonate an existing cellular telephone customer and hijack that customer's pre-existing cellular telephone account. After gaining control of the account, the conspirators caused the carrier to add new sub-accounts, caused the carrier to change the ESN associated with an existing account to a device using an ESN the

conspirators possessed, or cloned a device in the conspirators' possession to appear like the customer's existing telephone.

- c. In other instances, conspirators, including **RAMON BATISTA, FARINTONG CALDERON**, and others, "incremented" ESNs, taking a known ESN and altering one or more digits to determine other ESNs likely in use. Conspirators then tested whether the new ESN could access someone's existing cellular telephone account and tried to associate it with an applicable MTN and MIN.
9. Conspirators referred to the fraudulently used accounts, and the telecommunications identifying information needed to access those accounts, as "lines" or, in Spanish, "*lineas*."
10. Conspirators distributed these stolen "lines" to other conspirators by e-mail, Internet chat, and other electronic means.
11. Conspirators used telephone programming hardware and software to re-program cellular telephones with the numerical combinations needed to access the stolen lines. Once these telephones were re-programmed, they were used to make fraudulent telephone calls. These calls appeared to come from the cellular telephone of the customer whose account had been hijacked, or in whose name the account had been fraudulently established. The bills for these calls did not go to the conspirators. Rather, the bills went to the telephone customers whose accounts had been compromised or individuals whose identities had been stolen to create false accounts.
12. Conspirators operated call site operations where telecommunications equipment connected to the Internet received telephone calls transmitted by VoIP. The conspirators routed these calls through the re-programmed telephones.

13. Conspirators ran businesses where they acted like re-sellers, routing calls on behalf of telecommunications service providers to the call site operations, charging those service providers a per-minute fee based on the destination of the calls, in part to cover the supposed cost of completing, or “terminating,” the calls into the network of the recipient’s local telephone carrier.
14. By routing the calls through the re-programmed telephones, it appeared as though the legitimate telephone customers’ accounts were making the calls. The customers’ carriers carried the calls through their networks and completed the calls, or paid to have them completed, as if they had been made by their customers. However, because the calls were not actually made by their customers, the carriers generally did not require the customers to pay for the calls and thus the carriers were not compensated for the service they provided.
15. By routing the calls through the re-programmed telephones, the conspirators completed thousands of international calls without being billed the costs of completing or terminating the calls.
16. Conspirators shared amongst themselves the fees they charged to and received from the telecommunications service providers that had routed calls to the conspirators’ call sites.
17. The conspirators performed various roles that served to promote the success of the conspiracy. While some members held multiple roles, others were responsible for one role. Some of the roles included, but were not limited to, the following:
 - a. **Identity Thieves:** The identity thieves used social engineering and other methods to obtain individuals’ personally identifiable information and use that information to establish cellular telephone accounts in those individuals’ names and hijack existing accounts belonging to those individuals. The identity thieves supplied to

other conspirators the telecommunication identifying information necessary to re-program cellular telephones to access these accounts.

- b. **Line Suppliers:** The Line Suppliers transmitted the telecommunication identifying information associated with the stolen “lines” – the ESNs, MTNs, MINs, or combinations thereof necessary to re-program cellular telephones – to the Call Site Operators via e-mail, Internet chat, and other electronic means. **RAMON BATISTA, FARINTONG CALDERON, EDGAR ESTARLIN PERALTA LOPEZ**, and others acted as Line Suppliers.
- c. **Traffickers:** Traffickers contracted to route telephone calls on behalf of telecommunications service providers, particularly calls to international destinations such as Cuba, Jamaica, and the Dominican Republic, in exchange for a per-minute fee. The Traffickers would normally have to pay to complete or terminate these calls into the network of the call recipient’s local telephone carrier. Instead, the Traffickers routed the calls to Call Site Operations run by other conspirators, where Call Site Operators routed the calls through re-programmed telephones using the stolen lines provided by the Identity Thieves and Line Suppliers. The legitimate telephone customers’ carriers thus bore the cost of the routed calls, and the Traffickers shared a portion of their per-minute fees with the Call Site Operators. **RAMON BATISTA and EDGAR ESTARLIN PERALTA LOPEZ** acted as Traffickers as well as Line Suppliers.
- d. **Call Site Operators:** Call Site Operators received the telecommunication identifying information for the stolen “lines” from the Line Suppliers. They maintained large numbers of cellular telephones that they programmed with the

telecommunication identifying information for the stolen lines, creating cloned cellular telephones. They also maintained networking equipment that received telephone calls routed by the Traffickers over high-speed internet connections. The Call Site Operators connected the re-programmed cellular telephones to the networking equipment receiving the VoIP calls. Using the networking equipment, the Call Site Operators routed the calls that they received through the re-programmed cellular telephones, making it appear as though the calls were actually calls being placed by the legitimate customers' cellular telephones. The Call Site Operators were paid by the Traffickers based on the number of minutes' worth of calls routed through the re-programmed cellular telephones at their Call Site Operation. The Call Site Operators shared a portion of this payment with the Line Suppliers based on the number of minutes' worth of calls that were routed through re-programmed cellular telephones accessing the stolen lines the Line Suppliers had provided.

- i. Cellular telephone carriers often shut down lines upon discovering fraudulent activity. Therefore, upon receiving the telecommunication identifying information for new "lines," a Call Site Operator needed to test the line to ensure that it was working. Call Site Operators frequently reported back to the co-conspirator who had provided them with the line whether the line was working or not. For example, Call Site Operators often sent an e-mail back to the co-conspirator with the line information and the notation "buena" or "b" for working lines and "mala" or "m" for non-working lines.

- ii. A Call Site Operator also needed to constantly monitor his re-programmed cellular telephones to see if the carrier had shut down any of the associated accounts. When a line was deactivated by the carrier, the Call Site Operator assigned another stolen ESN to the cellular telephone and re-programmed that telephone with the telecommunication identifying information for a new line. Call Site Operators often reported to their co-conspirators that a line had been deactivated or "fallen" by e-mailing the line information with the notation "se fueron" or "s f".
- iii. **EDWIN FANA, BRAULIO DE LA CRUZ VASQUEZ, JOSE SANTANA**, and others were Call Site Operators, operating in various locations. **EDWIN FANA** operated a call site in and around Miami Gardens, Florida. **BRAULIO DE LA CRUZ VASQUEZ** operated a call site in and around West Palm Beach, Florida. **JOSE SANTANA** operated a call site in and around West Palm Beach, Florida.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

18. In furtherance of the conspiracy, at least one of the co-conspirators committed and caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

- a. Between on or about April 7, 2010 and on or about May 10, 2012, **EDWIN FANA** sent approximately 382 e-mails to **EDGAR ESTARLIN PERALTA LOPEZ**, containing telecommunication identifying information, reporting quantities of minutes used and dollars owed, and reporting that lines were no longer working, each such e-mail constituting an overt act.

- b. Between on or about October 10, 2011 and December 17, 2012, **BRAULIO DE LA CRUZ VASQUEZ** and **EDGAR ESTARLIN PERALTA LOPEZ** exchanged approximately 610 e-mails containing telecommunication identifying information, each such e-mail constituting an overt act.
- c. On or about September 4, 2010, **EDWIN FANA** received an e-mail forwarded by **RAMON BATISTA**, with the subject “FW: Sin 011, 14,” containing telecommunication identifying information for 14 lines.
- d. On or about November 9, 2010, **BRAULIO DE LA CRUZ VASQUEZ** purchased equipment for use with a Phonetabs Dock-N-Talk cellular telephone docking station through eBay.
- e. On or about March 14, 2011, **EDWIN FANA** sent an e-mail to **RAMON BATISTA**, with the subject “Re: 13...ponmela en el grupo de las que se cayeron ayer,” reporting which of a group of 13 lines had stopped working.
- f. On or about July 19, 2011, **EDWIN FANA** sent an e-mail, with the subject “16,” to **RAMON BATISTA**, containing telecommunication identifying information for 16 lines.
- g. On or about July 21, 2011, **EDWIN FANA** sent an e-mail to **RAMON BATISTA**, with the subject “actuales y nuevas,” containing telecommunication identifying information for 10 lines.
- h. On or about July 26, 2011, **EDWIN FANA** sent an e-mail to **RAMON BATISTA**, with the subject “16 arriba,” containing telecommunication identifying information for 16 lines.

- i. On or about July 25, 2011, **EDWIN FANA** e-mailed an invoice to **RAMON BATISTA** billing **RAMON BATISTA**'s company, Arymyx, \$7,579, for minutes of calls routed by **RAMON BATISTA** through **EDWIN FANA**'s call site.
- j. On or about July 26, 2011, **RAMON BATISTA** sent a check for \$7,579 from **RAMON BATISTA**'s company, Arymyx, to **EDWIN FANA**'s company, Super Telecom, Inc., paying for minutes of calls routed by **RAMON BATISTA** to **EDWIN FANA**'s call site.
- k. On or about October 13, 2011, **EDWIN FANA** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject "FW: local y 011," containing telecommunication identifying information for multiple lines, as well as multiple account holder names.
- l. On or about October 15, 2011, **EDGAR ESTARLIN PERALTA LOPEZ** sent an e-mail to **JOSE SANTANA**, with the subject "FW: 2 vz 011," containing telecommunication identifying information for two lines.
- m. On or about October 21, 2011, **EDGAR ESTARLIN PERALTA LOPEZ** sent an e-mail to **JOSE SANTANA**, with the subject "FW: 4 mas;," containing telecommunication identifying information for four lines.
- n. On or about October 22, 2011, **EDGAR ESTARLIN PERALTA LOPEZ** sent to an e-mail to **JOSE SANTANA**, with the subject "FW: 2 sp: 011," containing telecommunication identifying information for two lines.
- o. On or about November 23, 2011, **BRAULIO DE LA CRUZ VASQUEZ** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject "FW:

Braulio," containing telecommunication identifying information for eight lines (six marked "ok" and two marked "x").

- p. On or about December 1, 2011, **EDGAR ESTARLIN PERALTA LOPEZ** sent an e-mail to **BRAULIO DE LA CRUZ VASQUEZ**, with the subject "FW: otraa," containing telecommunication identifying information for one line that **FARINTONG CALDERON** had sent to **EDGAR ESTARLIN PERALTA LOPEZ** earlier that day.
- q. On or about December 1, 2011, **BRAULIO DE LA CRUZ VASQUEZ** sent an e-mail to **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject "braulio," which **EDGAR ESTARLIN PERALTA LOPEZ** subsequently forwarded to **FARINTONG CALDERON**. The e-mail contained three MINs or MTNs, next to which **BRAULIO DE LA CRUZ VASQUEZ** had written "s f".
- r. On or about February 4, 2012, **BRAULIO DE LA CRUZ VASQUEZ** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject "FW: manos al obra con los 10bn," containing telecommunication identifying information for ten lines.
- s. On or about February 17, 2012, **BRAULIO DE LA CRUZ VASQUEZ** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject "FW: para programar," containing telecommunication identifying information for 16 lines.
- t. On or about February 28, 2012, **EDWIN FANA** received an e-mail from **RAMON BATISTA** providing him with an e-mail address of **FARINTONG CALDERON**

and instructing **EDWIN FANA** to refer to **RAMON BATISTA** as “Porfirio” and to never use his name.

- u. On or about March 5, 2012, **EDWIN FANA** received an e-mail from **RAMON BATISTA**, with the subject “FW: 2 nueva,” containing telecommunication identifying information for two lines, which **FARINTONG CALDERON** had provided to **RAMON BATISTA**.
- v. On or about March 12, 2012, **EDWIN FANA** received an e-mail from **FARINTONG CALDERON**, with the subject “4 mas,” containing telecommunication identifying information for four lines.
- w. On or about March 14, 2012, **FARINTONG CALDERON** sent an e-mail to **EDWIN FANA**, with the subject “2 mas,” containing telecommunication identifying information for two lines.
- x. On or about March 16, 2012, **FARINTONG CALDERON** sent an e-mail to **EDWIN FANA**, with the subject “1 nueva,” containing telecommunication identifying information for one line.
- y. On or about June 26, 2012, **BRAULIO DE LA CRUZ VASQUEZ** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject “+ locas,” with an attachment titled “dele ay hermano.txt,” containing telecommunication identifying information for eight lines and the notations “buena lunes.”
- z. On or about July 17, 2012, **BRAULIO DE LA CRUZ VASQUEZ** sent an e-mail to **EDGAR ESTARLIN PERALTA LOPEZ**, with subject line “braulio,” containing telecommunication identifying information for four lines.

aa. In or around August 2012, **EDWIN FANA** sent several LG cellular phones to **FARINTONG CALDERON** via UPS.

bb. On or about October 3, 2012, **EDWIN FANA** possessed software named “3er paso para asignar la serie al celular.exe”, which was configured to insert or modify telecommunication identifying information associated with cellular telephones.

cc. On or about December 17, 2012, **BRAULIO DE LA CRUZ VASQUEZ** received an e-mail from **EDGAR ESTARLIN PERALTA LOPEZ**, with the subject “FW: prueba vvr,” containing telecommunication identifying information for six lines and programming instructions.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2-7
(Wire Fraud – 18 U.S.C. § 1343)

1. The allegations contained in paragraphs 1 through 4 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.
2. From at least in or around July 2007, the exact date being unknown to the Grand Jury, through at least in or around February 2013, in Miami-Dade and Palm Beach Counties, in the Southern District of Florida, and elsewhere, the below-listed defendants, having knowingly and intentionally devised and intending to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme and artifice to defraud, and to obtain money and property, did knowingly cause to be transmitted certain writings, signs, signals, pictures, and sounds, by means of wire communication in interstate commerce, as set forth below.

PURPOSE OF THE SCHEME AND ARTIFICE

3. The allegations contained in Paragraph 7 of Count 1 of this Indictment are re-alleged and expressly incorporated by reference as though fully set forth herein as a description of the purpose of the scheme and artifice.

MANNER AND MEANS OF THE SCHEME AND ARTIFICE

The allegations contained in Paragraphs 8 through 17 of the Manner and Means section of Count 1 of this Indictment are re-alleged and expressly incorporated by reference as though fully set forth herein as a description of the manner and means of the scheme and artifice.

USE OF THE WIRES

4. On or about the dates listed below, in Miami-Dade and Palm Beach Counties, in the Southern District of Florida, and elsewhere, the defendants, for the purpose of executing the scheme and artifice to defraud, and to obtain money and property, did knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, as more specifically described for each Count below:

COUNT	DEFENDANTS	APPROXIMATE DATE	WIRE COMMUNICATION
2	RAMON BATISTA, a/k/a "Porfirio," and EDWIN FANA	July 19, 2011	E-mail from edwin2282001@yahoo.com to porfirio-rubirosa@hotmail.com, with the subject "16"
3	RAMON BATISTA, a/k/a "Porfirio," and EDWIN FANA	July 21, 2011	E-mail from edwin2282001@yahoo.com to porfirio-rubirosa@hotmail.com, with the subject "actuales y nuevas"

COUNT	DEFENDANTS	APPROXIMATE DATE	WIRE COMMUNICATION
4	JOSE SANTANA, a/k/a "Octavio Perez," and EDGAR ESTARLIN PERALTA LOPEZ	October 15, 2011	E-mail from odimar_21@hotmail.com to perez2521@hotmail.com, with the subject "FW: 2 vz 011"
5	JOSE SANTANA, a/k/a "Octavio Perez," and EDGAR ESTARLIN PERALTA LOPEZ	October 22, 2011	E-mail from odimar_21@hotmail.com to perez2521@hotmail.com, with the subject "FW: 2 sp: 011"
6	BRAULIO DE LA CRUZ VASQUEZ and EDGAR ESTARLIN PERALTA LOPEZ	November 23, 2011	E-mail from odimar_21@hotmail.com to braulio020316@hotmail.com, with the subject "FW: braulio"
7	BRAULIO DE LA CRUZ VASQUEZ and EDGAR ESTARLIN PERALTA LOPEZ	February 4, 2012	E-mail from odimar_21@hotmail.com to braulio020316@hotmail.com, with the subject "FW: manos al obra con los 10bn"
8	BRAULIO DE LA CRUZ VASQUEZ and EDGAR ESTARLIN PERALTA LOPEZ	July 17, 2012	E-mail from junior020316@hotmail.com to odimar_21@hotmail.com, with the subject "braulio"

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 9-13
(Aggravated Identity Theft – 18 U.S.C. § 1028A(a)(1))

1. The allegations contained in paragraphs 1 through 4 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about the dates listed below, in Miami-Dade and Palm Beach Counties, in the Southern District of Florida, and elsewhere, the below-listed defendants, during and in relation to a felony violation of Title 18, United States Code, Section 1343, that is, wire fraud, as alleged in the below-specified counts, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, as specified in each Count below:

COUNT	DEFENDANTS	APPROXIMATE DATE	UNDERLYING COUNT	MEANS OF IDENTIFICATION
9	RAMON BATISTA, a/k/a "Porfirio," and EDWIN FANA	July 21, 2011	3	MSID XXX-XXX-5307, belonging to E.M.
10	JOSE SANTANA, a/k/a "Octavio Perez," and EDGAR ESTARLIN PERALTA LOPEZ	October 15, 2011	4	MIN XXX-XXX-1081, belonging to Ch.S.
11	JOSE SANTANA, a/k/a "Octavio Perez," and EDGAR ESTARLIN PERALTA LOPEZ	October 22, 2011	5	MSID XXX-XXX-8922, belonging to M.C.
12	BRAULIO DE LA CRUZ VASQUEZ and EDGAR ESTARLIN PERALTA LOPEZ	November 23, 2011	6	MTN XXX-XXX-5053, belonging to J.S.
13	BRAULIO DE LA CRUZ VASQUEZ and EDGAR ESTARLIN PERALTA LOPEZ	July 17, 2012	8	MTN XXX-XXX-9220, belonging to Co.S.

All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

CRIMINAL FORFEITURE

1. Upon conviction of any violation of Title 18, United States Code, Section 1343, the defendants shall forfeit to the United States, any property which constitutes, or is derived from, proceeds the defendants obtained directly or indirectly, as the result of such violation pursuant to Title 18, United States Code, Section 981(a)(1)(c), as incorporated by Title 28, United States Code, Section 2461.

2. If the property determined to be subject to forfeiture, as a result of any act or omission of the defendants,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 981, as incorporated by Title 28, United States Code, Section 2461 and the procedures outlined in Title 21, United States Code,

Section 853.

A TRUE BILL

FOREPERSON

Thomas J. Mulrueff Jr.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

Jared M. Strauss

JARED M. STRAUSS
ASSISTANT UNITED STATES ATTORNEY

Matthew A. Lamperti

MATTHEW A. LAMBERTI
SENIOR COUNSEL—U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

Ramon Batista, et al. Defendant,

Superseding Case Information:

Court Division: (Select One)

Miami Key West
FTL WPB FTP New Defendant(s) Yes No
Number of New Defendants _____
Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) YES (Spanish for all except Edwin Fana)
List language and/or dialect _____
4. This case will take 15-20 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one) _____ (Check only one) _____

I	0 to 5 days	<input type="checkbox"/>
II	6 to 10 days	<input type="checkbox"/>
III	11 to 20 days	<input checked="" type="checkbox"/>
IV	21 to 60 days	<input type="checkbox"/>
V	61 days and over	<input type="checkbox"/>

Minor	Petty	<input type="checkbox"/>
	Misdem.	<input type="checkbox"/>
	Felony	<input checked="" type="checkbox"/>

6. Has this case been previously filed in this District Court? NO (Yes or No)

If yes:

Judge: _____ Case No. _____

(Attach copy of dispositive order) NO

Has a complaint been filed in this matter? (Yes or No)

If yes:

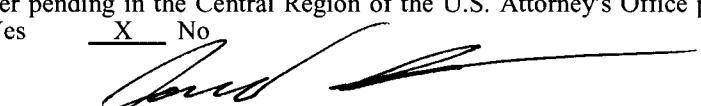
Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? NO (Yes or No)7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes No

 Jared M. Strauss
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. / Court ID#5501264

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Ramon Batista

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. §371.

* Max. Penalty: 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Count #: 2-3

Wire fraud, 18 U.S.C. §1343.

* Max. Penalty: 20 years' imprisonment, \$250,000 or twice the gross loss or twice the gross gain fine, 3 years supervised release, \$100 special assessment.

Count #: 9

Aggravated Identity theft, 18 U.S.C. §1028A(a)(1).

* Max. Penalty: Mandatory 2 years' imprisonment consecutive to any other sentence, \$250,000 fine, 1 year supervised release, \$100 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Edgar Estarlin Peralta Lopez

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. § 371.

* Max. Penalty: 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Count #: 4-8

Wire fraud, 18 U.S.C. §1343.

* Max. Penalty: 20 years' imprisonment, \$250,000 or twice the gross loss or twice the gross gain fine, 3 years supervised release, \$100 special assessment.

Count #: 10-13

Aggravated Identity theft, 18 U.S.C. §1028A(a)(1).

* Max. Penalty: Mandatory 2 years' imprisonment consecutive to any other sentence, \$250,000 fine, 1 year supervised release, \$100 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Farintong Calderon

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. §371.

* **Max. Penalty:** 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Edwin Fana

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. § 371.

* Max. Penalty: 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Count #: 2-3

Wire fraud, 18 U.S.C. §1343.

* Max. Penalty: 20 years' imprisonment, \$250,000 or twice the gross loss or twice the gross gain fine, 3 years supervised release, \$100 special assessment.

Count #: 9

Aggravated Identity theft, 18 U.S.C. §1028A(a)(1).

* Max. Penalty: Mandatory 2 years' imprisonment consecutive to any other sentence, \$250,000 fine, 1 year supervised release, \$100 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Braulio de la Cruz Vasquez

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. §371.

* Max. Penalty: 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Count #: 6-8

Wire fraud, 18 U.S.C. §1343.

* Max. Penalty: 20 years' imprisonment, \$250,000 or twice the gross loss or twice the gross gain fine, 3 years supervised release, \$100 special assessment.

Count #: 12-13

Aggravated Identity theft, 18 U.S.C. §1028A(a)(1).

* Max. Penalty: Mandatory 2 years' imprisonment consecutive to any other sentence, \$250,000 fine, 1 year supervised release, \$100 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Jose Santana

Case No: _____

Count #: 1

Conspiracy to commit wire fraud and access device fraud, 18 U.S.C. §371.

* **Max. Penalty:** 5 years' imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Count #: 4-5

Wire fraud, 18 U.S.C. §1343.

* **Max. Penalty:** 20 years' imprisonment, \$250,000 or twice the gross loss or twice the gross gain fine, 3 years supervised release, \$100 special assessment.

Count #: 10-11

Aggravated Identity theft, 18 U.S.C. §1028A(a)(1).

* **Max. Penalty:** Mandatory 2 years' imprisonment consecutive to any other sentence, \$250,000 fine, 1 year supervised release, \$100 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.